Accessory Dwellings

Handout #43 - Revised 1/6/03



What is an accessory dwelling?

Accessory dwelling units (ADU) are intended to provide a greater range of housing choices in single-family residential districts on lots within a minimum size of 5,000 square feet. It is an additional smaller, subordinate dwelling unit on a lot with an existing or new house. A mobile home is not considered an accessory dwelling. An accessory dwelling unit that meets the requirements of this code section may be allowed in the R1-20, R1-10, R1-7.5, R1-6, R1-5 zones or on any multi-family-zoned lot developed with an existing single family dwelling, except as noted in the code.

Why should the county encourage accessory dwellings?

Accessory dwelling units are because they:

- 1. Provide a range of choices of housing;
- 2. Provide additional dwelling units while increasing housing densities at minimal costs and disruptions to existing neighborhoods;
- 3. Allow individuals and smaller households to retain large houses and residences; and,
- 4. Provide opportunities for older or younger relatives to live in close proximity while maintaining a degree of privacy.

What conditions will allow for the establishment of an ADU?

An accessory dwelling unit may be created through the following:

- 1. Internal conversion within an existing dwelling:
- 2. Additions to existing house or garage (and must be located at least 40ft back from the front property line);
- 3. Conversion of an existing garage if it is set back at least 40ft from the front property

line;

- 4. Inclusion in development plans for, or part of, the construction of a new single family detached dwelling unit; or
- 5. A separate detached dwelling unit that must be located at least 10ft behind any structural element of the primary unit.

Can I establish an ADU if there are two single-family units on the lot?

You may <u>not</u> establish an accessory dwelling unit on a lot of record with two or more single-family residences.

Does an accessory dwelling need a building permit?

Yes. Before receiving a building permit to establish an accessory dwelling, the applicant must record a deed restriction covenant at the County Auditor's office certifying that the owner is occupying one of the dwellings on the lot. An ADU shall comply with applicable building, fire, and health and safety codes. An ADU cannot be occupied until a "Certificate of Occupancy" is issued by the building department.

Do I have to connect to water and sewer?

Yes. An accessory dwelling unit shall connect to public sewer and water.

What is the maximum area allowed for an accessory dwelling?

The total gross floor area of an accessory dwelling shall not exceed forty per cent of the area of the primary dwelling's living area, excluding uninhabitable floor area, the garage or other outbuildings.

Are there any restrictions on building heights?

The building height is limited to 25 ft for a detached accessory dwelling unit.

Can I have an accessory dwelling unit if I am already operating a Home Occupation activity?

You may have an accessory dwelling if you are operating a Type I, but not a Type II home occupation activity (see Handout #45 Home Occupations). You may not establish a Type II home occupation activity following the establishment of an accessory dwelling unit.

What about parking and impact fees?

You may be required to provide parking for an accessory dwelling, if there is no onstreet parking. You are required to pay impact fees at the same rate as those imposed for multi-family dwelling units.

What if the accessory building is occupying the same lot with a property that is designated a historic site?

The accessory dwelling must follow existing design guidelines to conform to the existing primary dwelling unit, including exterior materials, trim on edges of elements, windows and, pediment and dormers.

Are there other design guidelines that are applicable to an ADU?

Yes. Plain concrete, concrete block, corrugated metal, or plywood are prohibited if they are not the predominant exterior finish material on the primary dwelling, unless these materials duplicate or reflect the predominate finish. In addition, for buildings over 15 ft in height, the slope of the ADU roof must be the same as that of the predominate slope of the primary dwelling structure.

What is the application process?

The application is completed over the counter at the customer service center. The applicant is required to submit an <u>Accessory Dwelling Unit Agreement and Decision</u> form (the packet) and pay the application fee.

The packet includes responses to questions related to the requirements for establishing an ADU, (including the need for a building permit), and a checklist (attached) that the applicant must complete and sign. The packet also includes a Covenant Running with the Land which the applicant must notarize and record with the Auditor's office certifying that the owner is occupying one of the buildings on the lot.

The packet will be reviewed by staff at the Customer Service Center, located at the Community Development Department office at 1408 Franklin Street, Vancouver, Washington, to determine if the applicant has satisfied all the applicable conditions.

What if I didn't provide all the required information?

Applications with incomplete information will be returned to the applicant at the counter. The application process for establishing an ADU is designed to minimize the review period typically required for such Type I applications (these applications may be approved within 21 calendar days upon submittal of paperwork to completing a county staff report). If the applicant fails to provide all the required information, staff can not act on the agreement and decision form until the applicant completes the information identified in the packet.

What kind of public notice is provided?

Public notice is not required for this type of review.

When will a decision be made?

A decision will be made at the counter if the applicant completely fills out the *Agreement and Decision* form before submitting it at the Customer Service Center. Staff action on the agreement and decision constitutes the written notice of decision (and staff report).

Can the decision be appealed?

The Planning Director's decision may be appealed to the County Hearings Examiner by the applicant or any person or group. An appellant must submit an appeal application and \$1009 fee within 14 calendar days after the written notice of the decision.

Note: This handout is not a substitute for a county code. For more detailed information, please refer to Clark County Code 18.406.020(G) Accessory Dwelling Units.

DEVELOPMENT REVIEW TYPE I ACCESSORY DWELLING AGREEMENT AND DECISION

-	Applicant Name/Address/Phone No.:					
	Property owner/Address/Phone No. (if different): Accessory Dwelling/Existing property Address:					
Ac						
Ра	rcel numl	oer:				
De	scription	:				
	_		he required conditions for placing accessory dwelling units on a lot. all each item, and sign the certification agreeing to these conditions.			
1. acc		No elling unit	Applicant understands the Fire Marshal shall review location of for compliance before obtaining a building permit?			
2. rec	Yes eeipts)?	No	The application and Building Permit fees have been paid (show			
	Outline and Location of between so Distance by	d dimens of all exist structures petween a	A copy of the plot plan is attached? The plot plan, prepared by 1, shall contain information such as: iions of the property boundaries; ing/proposed building structures (County codes requires at least 8 ft) any slopes, creeks or bodies of water; and water lines, septic tanks, sewer lines/drainfield area;			

	 □ All easements crossing the property; □ Underground power lines; and, □ Location of legal accesses. 				
4. belo	Yes ow)?	No	Applicant has completed Accessory Dwelling Unit checklist (item #10,		
5.	Yes	No	A color photograph of the primary dwelling unit is attached?		
	•	dwelli	Applicant is submitting a scaled building plan elevation for the primary ng units. Drawing shall show materials used, dimensions, siding and roof roof slopes, window types and any other architectural features?		
7.	Yes	No	Approval letter from public sewer/water purveyor is attached?		
8. me	Yes et water pre		Utility review approval from water purveyor is attached certifying ability to and fire flow requirements of the Fire Marshal?		
9. Cou	Yes unty Auditor		Applicant/owner has executed Covenant Running with the Land with the ce?		
10. Accessory Dwelling Unit (ADU) Checklist					
This ADU is being built as: (check one) a) Internal conversion b) Addition to an existing single family house c) Conversion of garage d) Detached unit e) Included in new construction of a single family house					

CODE ITEM [CCC 18.406.020 (G)]	PRIMARY UNIT	ACCESSORY UNIT (ADU)
1.Square footage of living area		Allowed square feetage
2. 40% of (1) above	Square ftx .40 =	Allowed square footage
3. Lot coverage	Primary + outbuildings=	Footprint of ADU=
4. Setbacks a) Front b) Side c) Rear d) Street side e) Garage	a) b) c) d) e)	a) b) c) d) e)
5. Building height		a) attached b) detached
6. Home Occupation on site? Y / N	if yes, describe fully in separate narrative	
7. Parking spaces a) On-street available? Y/N b) No. of spaces on-site	a) Yes No b)	a) Yes No b)
8. If ADU is over 15 feet in height, does it have a pediment or dormer, if one is present on the primary dwelling unit? Y/ N		
9. Entrances/Egress a) How many front doors existing on primary dwelling unit? b) Location of ADU entry if internal or garage conversion? (Side or rear entry)	a)	*If there is a front door on an addition or garage conversion, was it existing prior to application? Y / N

I have read and understand the above conditions for placing accessory dwelling unit(s) on my property, and hereby certify that all information submitted with this application are complete and correct.

(Letter of authorization required if other than property owner)	Date	

DECISION

Based on the information submitted in the application packet, the above certification, and other information in County records, County staff has reviewed this request against the applicable standards and criteria in Clark County Code Section 18.406.020.G, summarized above, and have determined that permit application is:

DENIED Reason:		
APPROVED, subject to these conditions:		
1 2 3		
STAFF:	DATE:	
Team Leader	Date	

Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810

Vancouver, WA 98666-9810 Phone: (360) 397-2375; Fax: (360) 397-2011 Web Page at: http://www.clark.wa.gov

COVENANT RUNNING WITH THE LAND

This is a covenant to Clark County, State of Washington, hereinafter "County," in a conjunction with a request for a building permit for construction of an accessory dwelling unit on a lot with, or in, in existing or new primary residential structure, whereby the owners of certain real property on behalf of themselves and all their heirs, assigns and successors in interest into whose ownership said property shall pass, covenant that such owners will occupy one of said residential units as the owners' principal and permanent residence.

Owners, herein, covenant and agree to Clark County on behalf of themselves and all their heirs, assigns and successors of interest, into whose ownership the below-described real property might pass, as follows, it being specifically agreed and covenanted that this is a covenant running with the land therein described:

- 1. Owners are the sole and executive owners of the following described parcel located in Clark County, State of Washington.
- 2. Pursuant to Clark County Code Section 18.406.020(G), owners covenant that either the primary or accessory dwelling unit is and will continue to be occupied by owners as their principal and permanent residence for as long as the other unit is rented or otherwise occupied. Owners shall maintain residency for at least six (6) months out of the year, and at no time receive rent for, or otherwise allow to be occupied, the owner-occupied unit of absent for the remainder of the year.
- 3. The provisions of this covenant are enforceable in law or equity by Clark County and its successors or assigns:
- 4. This covenant and all its provisions, and each of them, shall be binding upon the owners and any and all of their heirs, assigns, and successors in interest into whose ownership the above-described real property may pass, and any obligation made herein by the owners shall be enforceable against all of their heirs, assigns, and successors in interest into whose ownership the above-described real property may pass.
- This covenant will terminate automatically if the property is subdivided and the accessory dwelling unit is located on a separate legal lot pursuant to Chapter 58.17 RCW.

Approved as to form only:	
Richard Lowry	
Prosecuting Attorney	OWNERS:
,	

STATE OF WASHIN	,	
COUNTY OF CLAR	:SS. <)	
I certify that I	know or have satisfa	ctory evidence that
		are the persons who appeared ge that they signed this instrument and tary act for the uses and purposes mentioned
SUBSO	CRIBED and sworn	before me this day
of	20	
		NOTARY PUBLIC in and for the State o Washington, residing in Vancouver.
		My commission expires:

DEVELOPMENT REVIEW APPLICATION FORM



(Form DS1400-Revised 2/19/02)

PROJECT NAME:			
TYPE(S) OF APPLICATION (See Rev	vorso Sido):		
TIPE(S) OF APPLICATION (See Rev	rerse side):		
DESCRIPTION OF PROPOSAL:			
APPLICANT NAME:		Address:	
E-mail Address:		Phone and Fax:	
PROPERTY OWNER NAME (list mu separate sheet):	Iltiple owners on a	Address:	
ooparate enough			
E-mail Address:		Phone and Fax:	
CONTACT PERSON NAME (list	if not same as	Address:	
APPLICANT):			
E-mail Address:		Phone and Fax:	
PROJECT SITE INFORMATION:		Comp Plan Designation:	
Site Address:			
Cross Street:	Zoning:		Serial #'s of Parcels:
0 1 7			(0)::15
Overlay Zones: Legal:			Acreage of Original Parcels:
Township: Range:			1/4 of Section:
AUTHODIZATION			
			vith the consent of the lawful property
			plete and correct. False statements,

errors, and/or omissions may be sufficient cause for denial of the request. This application gives consent to the County to enter the properties listed above.

Authorized Signature	Date

Assigned at Customer	CASE NUMBER:	
Service Center	WORK ORDER NUMBER:	

APPLICATION TYPES
If you have any questions regarding the type of application being requested, our Customer Service Center will be happy to assist you.

	Annual Review		scellaneous:
	Appeal		Addressing
	Boundary Line Adjustment and		Accessory Dwelling
	Lot Reconfiguration		Covenant Release
	Conditional Use		Garden Shed Setback Waiver
			Home Occupation
Environmental/Critical Areas:			Legal Lot Determination & Innocent
	Archaeological		Purchasers Determination
	Critical Aquifer Recharge Area		Non-Conforming Use Determination
	(CARA)		Reconstruct Letter
	Columbia River Gorge		Sewer Waiver
	Forestry + (Moratorium Waiver,		Shooting Range
	Moratorium Removal, Class I,		Sign
	Class IVG or COHP)		
	Floodplain	Pla	anning Director Review:
	Geological		Post Decision
	Habitat		Pre-Application Conference
	Historic		Pre-Application Waiver
	SEPA		Public Interest Exception
	Shoreline		Similar Use
	Wetland		Temporary Use
			Other
<u>La</u>	nd Division:		
	Binding Site Plan		
	Final Plat		Planned Unit Develop/Master Plan
	Plat Alteration		Road Modification
	Short Plat		Site Plan
	Subdivision		Variance
			Zone Change